

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

STEPHEN CRAIG BURNETT,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-17-385-M
	)	
MARY FALLIN, et al.,	)	
	)	
Defendants.	)	

**ORDER**

On June 5, 2018, United States Magistrate Judge Bernard M. Jones issued a Report and Recommendation in this action brought pursuant to 42 U.S.C. § 1983, alleging violations of plaintiff's civil rights resulting from overcrowded conditions in the Oklahoma prison system. The Magistrate Judge recommended that the motion for summary judgment filed on behalf of the defendants who are employees of the Oklahoma Department of Corrections and the defendants who are members of the Oklahoma Board of Corrections be granted, that the Court decline to exercise pendent jurisdiction over plaintiff's state law claim, and that the state law claim be dismissed without prejudice. The parties were advised of their right to object to the Report and Recommendation by June 26, 2018. Plaintiff received an extension of time to file his objection and filed his objection on July 3, 2018.

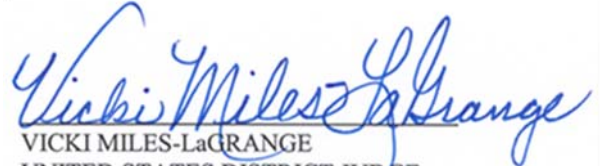
Having carefully reviewed this matter de novo, the Court:

- (1) ADOPTS the Report and Recommendation [docket no. 107] issued by the Magistrate Judge on June 5, 2018;
- (2) GRANTS Defendants Patton, Allbaugh, Bryant, Dowling, Gross, Roach, Henke, Haynes, Holder, Newburn, and Tilly's motion for summary judgment [docket no. 56];
- (3) ORDERS that judgment issue forthwith in favor of defendants Robert Patton, Joe Allbaugh, Jason Bryant, Janet Dowling, Kevin Gross, Michael Roach, Frazier

Henke, Gene Haynes, Todd Holder, Irma Newburn, and Matt Tilley and against plaintiff, and

- (4) DECLINES to exercise pendent jurisdiction over plaintiff's state law claim and DISMISSES the state law claim without prejudice.

**IT IS SO ORDERED this 13th day of September, 2018.**



VICKI MILES-LaGRANGE  
UNITED STATES DISTRICT JUDGE